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2141
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/192,273

Applicant(s)

SELIGMANN, DOREE D.

Examiner

Kenneth R. Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-52 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 May 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The 131 Affidavit filed on 4/3/06 under 37 CFR 1.131 has been considered but is ineffective to overcome the Graham reference and the Pardo reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Graham and Pardo references. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Graham and Pardo references to either a constructive reduction to practice or an actual reduction to practice.

2. Examiner has carefully reviewed the Rule 131 Affidavit. The evidence presented has **not met the burden** under 37 CFR 1.131. Invention of the subject matter of the rejected claims 1 – 52 of the present Application has been determined not to predate

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the effective filing date of the Graham reference (August 26, 1998) or the Pardo reference (June 12, 1998).

3. Examiner reminds Applicant of the requirements of a Rule 131 Affidavit (MPEP 715.07).

MPEP 715.07 Facts and Documentary Evidence

The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice “amounts essentially to mere pleading, unsupported by proof or a showing of facts” and, thus, does not satisfy the requirements of 37 CFR 1.131(b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also In re Harry, 333 F.2d 920, 142 USPQ 164 (CCPA 1964) (Affidavit merely states that “I conceived a method and system for operating a PDA for use with an IP phone device.”).

Conception

4. Applicant has provided Exhibit A as evidence of conception prior to June 12, 1998 in the Rule 131 Affidavit.

The sole statement in the Rule 131 Affidavit regarding conception is that Exhibit A demonstrates conception.

There is no clear explanation of how Exhibits A supports the claimed invention.

5. The Examiner has reviewed Exhibit A in order to determine what is taught. Exhibit A is not comprehensive, is not clear, and contains no support for the claimed invention. Since there is no clear explanation of how the Exhibit supports conception of the claimed invention, Applicant has **not** met the burden of conception under 37 CFR 1.131.

Exhibit A teaches nothing related to the invention of the present Application.

Reduction to Practice

6. Applicant has not met the burden with regard to the invention being reduced to practice.

Applicant has provided **no evidence** as to reduction to practice.

7. Examiner reminds Applicant of the specific passage in the MPEP (MPEP 2138.05) on reduction to practice.

Reduction to practice requires that the invention existed and worked for its initial purpose.

Seasonable Presentation

8. Applicant has met the burden with regard to the Rule 131 Affidavit being a seasonable presentation (see MPEP 715.09 below).

9. Examiner reminds Applicant of the specific passage in the MPEP regarding a seasonable presentation with respect to Rule 131 Affidavits.

MPEP 715.09 Seasonable Presentation

Affidavits or declarations under 37 CFR 1.131 must be timely presented in order to be admitted. Affidavits and declarations submitted under 37 CFR 1.131 and other evidence traversing rejections are considered timely if submitted:

- (A) prior to a final rejection;
- (B) before appeal in an application not having a final rejection; *

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(C) after final rejection, but before or on the same date of filing an appeal, upon a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented in compliance with 37 CFR 1.116(e); or

(D) after the prosecution is closed (e.g., after a final rejection, after appeal, or after allowance) if applicant files the affidavit or other evidence with a request for continued examination (RCE) under 37 CFR 1.114 in a utility or plant application filed on or after June 8, 1995; or a continued prosecution application (CPA) under 37 CFR 1.53(d) in a design application.

Diligence

10. Applicant has provided Exhibit A as evidence of diligence in the Rule 131 Affidavit.

11. Although Examiner is not required to consider due diligence in this situation (since conception of the invention has not been established; see MPEP 715.07(a) below), in order to further expedite prosecution, due diligence will be considered.

12. Applicant has not met the requirements of due diligence in the present Application.

13. The Examiner notes the greater than 5 month gap between Exhibit A (June 12, 1998) and the filing of the present Application (November 16, 1998). Further information related to this time gap would be helpful in terms of deciding diligence (see MPEP 2138.06 below).

Examiner reminds Applicant of the specific passages in the MPEP regarding due diligence with respect to Rule 131 Affidavits.

MPEP 2138.06 Reasonable Diligence

DILIGENCE REQUIRED IN PREPARING AND FILING PATENT APPLICATION

The diligence of attorney in preparing and filing patent application inures to the benefit of the inventor. Conception was established at least as early as the date a draft of a patent application was finished by a patent attorney on behalf of the inventor.

Conception is less a matter of signature than it is one of disclosure. Attorney does not prepare a patent application on behalf of particular named persons, but on behalf of the true inventive entity. **Six days to execute and file application is acceptable.** Haskell v. Coleburne, 671 F.2d 1362, 213 USPQ 192, 195 (CCPA 1982). See also Bey v. Kollonitsch, 866 F.2d 1024, 231 USPQ 967 (Fed. Cir. 1986) (Reasonable diligence is all that is required of the attorney. Reasonable diligence is established if attorney worked reasonably hard on the application during the continuous critical period. If the attorney has a reasonable backlog of unrelated cases which he takes up in chronological order and carries out expeditiously, that is sufficient. Work on a related case(s) that

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contributed substantially to the ultimate preparation of an application can be credited as diligence.).

MPEP 715.07(a) Diligence

Where conception occurs prior to the date of the reference, but reduction to practice is afterward, it is not enough merely to allege that applicant or patent owner had been diligent. *Ex parte Hunter*, 1889 C.D. 218, 49 O.G. 733 (Comm'r Pat. 1889). Rather, applicant must show evidence of facts establishing diligence.

In determining the sufficiency of a 37 CFR 1.131 affidavit or declaration, **diligence need not be considered unless conception of the invention prior to the effective date is clearly established, since diligence comes into question only after prior conception is established.** *Ex parte Kantor*, 177 USPQ 455 (Bd. App. 1958). What is meant by diligence is brought out in *Christie v. Seybold*, 1893 C.D. 515, 64 O.G. 1650 (6th Cir. 1893). In patent law, an inventor is either diligent at a given time or he is not diligent; there are no degrees of diligence. An applicant may be diligent within the meaning of the patent law when he or she is doing nothing, if his or her lack of activity is excused. Note, however, that the record must set forth an explanation or excuse for the inactivity; the USPTO or courts will not speculate on possible explanations for delay or inactivity. See *In re Nelson*, 420 F.2d 1079, 164 USPQ 458 (CCPA 1970). Diligence must be judged on the basis of the particular facts in each case. See MPEP § 2138.06 for a detailed discussion of the diligence requirement for

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proving prior invention. Under 37 CFR 1.131, the critical period in which diligence must be shown begins just prior to the effective date of the reference or activity and ends with the date of a reduction to practice, either actual or constructive (i.e., filing a United States patent application). Note, therefore, that only diligence before reduction to practice is a material consideration. The "lapse of time between the completion or reduction to practice of an invention and the filing of an application thereon" is not relevant to an affidavit or declaration under 37 CFR 1.131. See *Ex parte Merz*, 75 USPQ 296 (Bd. App. 1947).

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 16, 18, 30, 33, 44, 46, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Graham (U.S. Provisional Pat. No. 60/098,187).

15.1 Per claim 16, Graham teaches a PDA, comprising:

a memory for storing arranged information including phone features and phone policies (Fig. 6; p. 5, paragraph 1; p. 1, paragraphs 1, 5); and

software stored in the memory (Fig. 6; p. 5, paragraph 1) for allowing a user to select and program the user's personal phone features and phone policies within the PDA from the stored list of phone features and phone policies, at least one of the user's personal phone policies being used to implement at least one of the user's personal phone features in a telecommunication system (Fig. 6; p. 5, paragraph 1; p. 1, paragraphs 1, 5).

Certain aspects of this **user interface and architecture can be added** to any Windows device wishing to become **more telephony enhanced** – from a user perspective. For example, a **Palm-sized PC can be equipped with the Call Slip interface (a single call slip) that *interacts* with a PBX phone** and the PC to show call information and control features on a docked device – **enhancing the capabilities of the phone** while tying into the network capabilities of the PC. Similarly, the same UI could be added to a sub-notebook device, or even in a somewhat adapted form, to a cellular phone. Across all of them would be a common architecture for delivering services and a **similar user experience**, if not identical due to physical constraints. (p. 5, paragraph 1).

15.2 Per claim 18, Graham teaches the PDA as defined in claim 16 wherein said software includes a feature/policy application program interface (API), said feature/policy API being used to interface the PDA with phone features and phone policies of the user (Fig. 6 “TAPI and Hermes Telephony Extensions”; p. 4, paragraph 1 “TAPI”).

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15.3 Regarding claims 30, 33, 44, 46, and 52, the previous rejection under 35 USC 102(e) (paragraphs 15.1 – 15.2) applies fully.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1 – 3, 5 - 11, 19 - 24, 34 – 38, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (U.S. Provisional Pat. No. 60/098,187) in view of Mattaway (U.S. Pat. No. 6,009,469) (Graphic User Interface for Internet Telephony Application).

17.1 Regarding claim 1, Graham discloses a method of operating a PDA, comprising the steps of:

arranging information within the PDA to correspond to at least one of first and second data sets, the first data set including phone features of a user, at least one of the phone features being set up in a telecommunication system for the user, the second data set including phone policies (*phone numbers and phone line numbers*) of the user,

at least one of the phone policies being used for implementing the at least one of the phone features (Fig. 6 “Settings” “Third Party Application” “Address Book”);

“The Hermes Call Slip Architecture provides a means for software developers, including Microsoft, OEMs, Telcos and other 3rd parties to easily add to and **extend the capabilities of a telephone device** with a graphical user interface. The user-interface abstracts and exposes line management and call control features in a single user interface element that is state-smart so it can present different options when the telephone is in different states, such as ringing, receiving Caller ID information, Caller ID on Call Waiting, etc. *Provides* users with a **standardized graphical interface to common line management and call control features** such as Caller ID, Caller ID/Call Waiting, call duration, etc. as well as providing an architecture for developing and delivering new line or call control features as part of the standardized experience. New features fit in visually and functionally.” (p. 1, paragraph 1).

Certain aspects of this **user interface and architecture can be added** to any Windows device wishing to become **more telephony enhanced** – from a user perspective. For example, a **Palm-sized PC can be equipped with the Call Slip interface (a single call slip) that interacts with a PBX phone** and the PC to show call information and control features on a docked device – **enhancing the capabilities of the phone** while tying into the network capabilities of the PC. Similarly, the same UI could be added to a sub-notebook device, or even in a somewhat adapted form, to a cellular phone. Across all of them would be a common architecture for delivering services and a **similar user experience**, if not identical due to physical constraints. (p. 5, paragraph 1).

downloading at least a portion of the arranged information to a phone device, the arranged information including the at least one of the features and the at least one of the policies (p. 1, paragraph 1 (see above)).

For example, a **Palm-sized PC can be equipped with the Call Slip interface (a single call slip) that interacts with a PBX phone** and the PC to show call information and control features on a docked

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device – **enhancing the capabilities of the phone** while tying into the network capabilities of the PC. (p. 5, paragraph 1)

However, Graham does not explicitly disclose downloading at least a portion of the arranged information to an **Internet Protocol (IP)** phone device.

Graham does disclose that “this architectural flexibility extends beyond architectural nuances (differences in central office switching hardware and configurations) to allowing us to **support different underlying network infrastructures**. For example PSTN vs. ISDN, or even moving to **full IP solution**. In each case, we would want similar or the same presentation to the user for a specific feature, but would be able to write different underlying drivers to implement those features appropriate to the specific network.” (p. 1, paragraph 4).

Mattaway discloses control information downloaded to an IP phone device (Fig. 1, item 12; col. 5, lines 49 – 51 “The input device 18 may alternatively include connections to other computer systems to **receive** the input commands and **data** therefrom.”).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the IP phone device of Mattaway in Graham because Graham explicitly states supporting “different underlying network infrastructures” and that a “full IP solution” can be implemented.

17.2 Per claim 2, Graham teaches that said arranging step includes the steps of:

storing a list of predetermined phone features in the PDA (Fig. 6 “Settings” “Third Party Application” “Address Book”; p. 9, paragraph 1 “Telephone Features – The Hermes Phone Manager”); and

selecting, in the PDA, certain phone features from the list of predetermined phone features to arrange the information (p. 5, paragraph 1; p. 1, paragraph 5).

17.3 Regarding claim 3, Graham discloses that said operating steps includes the step of:

synchronizing the PDA with the IP phone device (p. 5, paragraph 1 “Palm-sized PC ... **interacts** with a PBX phone ...”).

17.4 Regarding claim 5, Graham discloses that said operating step includes the step of:

receiving and initiating calls through the IP phone device according to the arranged information from said arranging step (Fig. 6; p. 5, paragraph 1; p. 1, paragraphs 1, 5).

17.5 Per claim 6, Graham teaches the step:

modifying the arranged information of said arranging step (Fig. 6; p. 5, paragraph 1; p. 1, paragraphs 1, 5).

17.6 Regarding claim 7, Graham discloses that in said arranging step, the PDA includes a phone application program interface (API) for interfacing the PDA with phone functionality of the IP phone device (Fig. 6 "TAPI and Hermes Telephony Extensions"; p. 4, paragraph 1 "TAPI").

17.7 Per claim 8, Graham teaches that in said arranging step, the PDA includes a feature/policy application program interface (API) for interfacing the PDA with the phone features and phone policies of the user (Fig. 6 "TAPI and Hermes Telephony Extensions"; p. 4, paragraph 1 "TAPI").

17.8 Regarding claim 9, Graham discloses the method as defined in claim 1 further comprising the step of:

connecting the PDA to a PBX via the phone device (p. 5, paragraph 1).
a Palm-sized PC can be equipped with the Call Slip interface (a single call slip) that interacts with a PBX phone and the PC to show call information and control features on a docked device – enhancing the capabilities of the phone while tying into the network capabilities of the PC.

17.9 Regarding claim 10, Graham discloses a method of operating a PDA, comprising the steps of:

arranging information within the PDA to correspond to at least one of a first and second data sets, the first data set including phone features of a user, at least one of the phone features being set up in a telecommunication system for a particular phone number, the second data set including phone policies of the user, at least one of the

phone policies being used for implementing the at least one of the phone features (Fig. 6; p. 5, paragraph 1; p. 1, paragraph 1; p. 9, paragraph 1); and

transferring the arranged information to a PBX (Fig. 6; p. 1, paragraph 1; p. 4, paragraph 2; p. 5, paragraph 1).

Certain aspects of this **user interface and architecture can be added** to any Windows device wishing to become **more telephony enhanced** – from a user perspective. For example, a **Palm-sized PC can be equipped with the Call Slip interface (a single call slip) that *interacts* with a PBX phone** and the PC to show call information and control features on a docked device – **enhancing the capabilities of the phone** while tying into the network capabilities of the PC. Similarly, the same UI could be added to a sub-notebook device, or even in a somewhat adapted form, to a cellular phone. Across all of them would be a common architecture for delivering services and a **similar user experience**, if not identical due to physical constraints. (p. 5, paragraph 1).

However, Graham does not explicitly disclose that the PBX is an IP-PBX (Internet Protocol-Public Branch Exchange).

Mattaway discloses an equivalent to the IP-PBX (Fig. 1, items 24, 26; col. 12, lines 23 - 28).

Examiner notes that an “IP-PBX is a **known** switch system that controls phone operations and associated devices, with an application program interface (API) which allows the functionality and settings of the IP-PBX to be accessible from the Internet 100 by devices including the PDA 10, the IP phone 40, etc.” (see p. 4, line 33 through p. 5, line 1 of the specification).

Graham does disclose that “this architectural flexibility extends beyond architectural nuances (differences in central office switching hardware and configurations) to allowing

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us to **support different underlying network infrastructures**. For example PSTN vs. ISDN, or even moving to **full IP solution**. In each case, we would want similar or the same presentation to the user for a specific feature, but would be able to write different underlying drivers to implement those features appropriate to the specific network.” (p. 1, paragraph 4).

The “full IP solution” would certainly include the **known** IP-PBX as disclosed in specification of the present Application.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the switching device (IP-PBX) of Mattaway in Graham because Graham explicitly states supporting “different underlying network infrastructures” and that a “full IP solution” can be implemented.

17.10 Regarding claim 11, Graham discloses that said transferring step includes the step of connecting the PDA to the **PBX** through the Internet (Fig. 6; p. 5, paragraph 1; p. 1, paragraphs 1, 5).

The reasoning for implementing a PBX instead of an IP-PBX is given above in the rejection of claim 10.

17.11 Per claims 19 - 24, 34 – 38, 47, and 48, the rejection of claims 1 – 3, 5 – 11 (paragraphs 17.1 – 17.10 above) applies fully.

18. Claims 4, 12, 25, 26, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham (U.S. Provisional Pat. No. 60/098,187) in view of Mattaway (U.S. Pat. No. 6,009,469) and Kikinis et al. (U.S. Pat. No. 5,799,068).

18.1 Regarding claims 4 and 12, Graham teaches a method of operating a PDA, comprising the steps of:

arranging information with the PDA to correspond to at least a first and a second data set, the first data set including phone features of a user, the second data set including phone policies of the user (Fig. 6; p. 5, paragraph 1; p. 1, paragraph 1; p. 9, paragraph 1);

transferring the arranged information to a PBX (Fig. 6; p. 1, paragraph 1; p. 4, paragraph 2; p. 5, paragraph 1).

Certain aspects of this **user interface and architecture can be added** to any Windows device wishing to become **more telephony enhanced** – from a user perspective. For example, a **Palm-sized PC can be equipped with the Call Slip interface (a single call slip) that *interacts* with a PBX phone** and the PC to show call information and control features on a docked device – **enhancing the capabilities of the phone** while tying into the network capabilities of the PC. Similarly, the same UI could be added to a sub-notebook device, or even in a somewhat adapted form, to a cellular phone. Across all of them would be a common architecture for delivering services and a **similar user experience**, if not identical due to physical constraints. (p. 5, paragraph 1).

However, Graham does not explicitly disclose that the PBX is an IP-PBX (Internet Protocol-Public Branch Exchange).

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Mattaway discloses an equivalent to the IP-PBX (Fig. 1, items 24, 26; col. 12, lines 23 - 28).

Examiner notes that an "IP-PBX is a **known** switch system that controls phone operations and associated devices, with an application program interface (API) which allows the functionality and settings of the IP-PBX to be accessible from the Internet 100 by devices including the PDA 10, the IP phone 40, etc." (see p. 4, line 33 through p. 5, line 1 of the specification).

Graham does disclose that "this architectural flexibility extends beyond architectural nuances (differences in central office switching hardware and configurations) to allowing us to **support different underlying network infrastructures**. For example PSTN vs. ISDN, or even moving to **full IP solution**. In each case, we would want similar or the same presentation to the user for a specific feature, but would be able to write different underlying drivers to implement those features appropriate to the specific network." (p. 1, paragraph 4).

The "full IP solution" would certainly include the "known IP-PBX" as disclosed in specification of the present Application.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the switching device (IP-PBX) of Mattaway in Graham because Graham explicitly states supporting "different underlying network infrastructures" and that a "full IP solution" can be implemented.

In addition, Graham does not explicitly teach the steps of

prestoring identification data of the user in the PDA; and
verifying, before said arranging step, the identity of a current user of the PDA
based on the prestored identification data.

Graham does disclose "Multi-User Capability" wherein "the user can select a different user's message center by touching the user name field at the top of the screen. A menu of user names will appear. Touching a name on this menu will navigate to the selected user's message center." (p. 19, paragraph 5).

Kikinis discloses the steps of:

prestoring identification data of the user in the PDA (Fig. 13; col. 17, lines 30 – 35
"the user interface will query a user for input of one or more passwords, after successful entry of which the host will pass the input to microcontroller 1011 for comparison with the serial number and perhaps other codes accessed from the EEPROM 1031 in the bootstrap of the microPDA"; col. 8, lines 63 - 67).

verifying, before said arranging step, the identity of a current user of the PDA
based on the prestored identification data (col. 17, lines 30 – 35; col. 8, lines 63 - 67).
It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the identification system of Kikinis in Graham because the users of the Graham system would want to secure their message center data that could possibly be viewed by other users.

18.2 Per claims 25, 26, 39, and 40, the rejection of claims 4 and 12 under 35 USC 102 (paragraph 18.1 above) applies fully.

19. Claims 13 – 18, 27 – 33, 41 – 46, and 49 – 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. (U.S. Pat. No. 5,799,068) in view of Graham (U.S. Provisional Pat. No. 60/098,187) and Mattaway (U.S. Pat. No. 6,009,469).

19.1 Regarding claim 13, Kikinis discloses a method of operating a Personal Digital Assistant (PDA), comprising the steps of:

storing at least first and second data sets within the PDA, the first data set including phone features of a plurality of *user scenarios*, the second data set including phone policies of the plurality of *user scenarios* (col. 18, lines 1 – 8; Fig. 13, item 1013; col. 12, lines 25 – 47; col. 21, lines 5 - 25);

Another useful feature in host/microPDA communication is a means for a user to select and compose a mix of executable program files for downloading to a microPDA, either replacing or supplementing those executable routines already resident. **A user can have several different program lists for downloading as a batch, conveniently configuring the applicability of a microPDA among a *wide variety of expected work environments*** (col. 18, lines 1 – 8).

col. 12, lines 25 – 47 “Memory 1013 is preferably a nonvolatile device from 1 to 2 megabytes in this embodiment, and both **control routines for applications and data files are stored in this memory.**” (col. 12, lines 25 – 47).

displaying phone configurations in a telecommunication system based on said at least one of first and second data sets stored within the PDA (Figs. 9, 21; col. 32, lines 5 - 25).

However, with regard to claims 13 – 15, 27 – 29, 41 – 43, and 49 – 51, Kikinis does not explicitly disclose storage of phone features and/or phone policies for a *plurality of users*.

Graham does disclose “Multi-User Capability” wherein “the user can select a different user’s message center by touching the user name field at the top of the screen. A menu of user names will appear. Touching a name on this menu will navigate to the selected user’s message center.” (p. 19, paragraph 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the multi-user capability of Graham in the invention of Kikinis; because the downloading of executable program files yielding “several different program lists” on the microPDA of Kikinis would enable the invention of Kikinis to be used by multiple individuals or an administrator.

In addition, with regard to claims 13 – 18, 27 – 33, 41 – 46, and 49 – 52, Kikinis does not explicitly disclose an IP phone device or an IP-PBX.

Graham discloses transferal of phone policy data to an IP phone device (Fig. 6; p. 1, paragraph 1; p. 4, paragraph 2; p. 5, paragraph 1).

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Mattaway discloses an equivalent to the IP-PBX (Fig. 1, items 24, 26; col. 12, lines 23 - 28).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Graham and Mattaway with Kikinis because Kikinis teaches a PBX and a phone device, wherein phone policy data is transferred to the phone device from a portable device.

19.2 Per claim 14, Kikinis teaches the method defined in claim 13 further comprising the steps of:

 prestoring identification data of a **verifier** within the PDA (Fig. 13; col. 17, lines 30 – 35 “the user interface will query a user for input of one or more **passwords**, after successful entry of which the host will pass the input to microcontroller 1011 for comparison with the **serial number and perhaps other codes accessed form the EEPROM 1031** in the bootstrap of the microPDA”; col. 18, lines 63 - 67); and

 verifying the identity of a current **verifier** based on the prestored identification data (col. 17, lines 30 – 35; col. 18, lines 63 - 67).

19.3 Regarding claim 15, Kikinis discloses the method as defined in claim 13 further comprising **at least one of** the following steps:

 deleting certain phone features and phone policies from the phone features and phone policies stored within the PDA (col. 19, lines 5 – 14 “**demo copy** of an

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application” “the software is transferable between a family of keyed microPDAs, or has the ability of ‘**unlock**’ **only a limited number of times.**”);

modifying the phone features and phone policies stored within the PDA (col. 19, lines 5 - 14); and

selecting certain phone features and phone policies from the phone features and phone policies stored within the PDA (Fig. 9; col. 10, lines 39 - 47).

19.4 Per claims 16 – 18, 27 – 33, 41 – 46, and 49 – 52, the rejection of claims 13 – 15 under 35 USC 103 (paragraphs 19.1 – 19.3 above) applies fully.

Response to Arguments

20. Applicant's arguments filed 4/3/06 have been fully considered but they are not persuasive.

Since the 131 Affidavit is ineffective, Graham is considered prior art.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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An IP telephony device that supports retrieval of communication policies (see Figs. 3 and 4).

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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KENNETH R. COULTER
PRIMARY EXAMINER


krc